

### **REMARKS**

Due to the election made in response to a previous Restriction Requirement and the cancellation of claims 6 and 7 in this paper, claims 1-5, 8, 10-13, 18-21, 22, 23, 26, 27-30 and 35-45 are pending in the present application.

Applicant acknowledges and appreciates that the Examiner has removed the finality of the previous Office Action dated January 30, 2006 and the time period has been reset. Applicant also acknowledges and appreciates that the arguments provided by Applicant were deemed persuasive and new grounds of rejections have been provided in the present Office Action.

The Examiner rejected claims 11-12 under 35 U.S.C. 112, second paragraph, alleging that they are indefinite. Applicant respectfully traverses this rejection.

It is true that Applicants act as his or her own lexicographer to define terms. The Examiner alleges that the term “screen” in claims 11 and 12 is being used to mean “a photo electric converter” and does not coincide with the accepted meaning and therefore, are indefinite. Claim 11 recites that the light receiving unit of claim 10 comprises a screen to receive the reflected light. Also, since claim 11 depends from claim 10. The light receiving unit in claim 10 is defined to comprise a circuit to detect the position of the reflected light. Claim 11 narrows this further to include a screen that is capable of receiving the reflected light. Claim 11 recites that the light receiving unit comprises a screen and is supported by the Specification. The Specification discloses a screen 160, which is exemplified as being of a variety of materials that are capable of absorbing a portion of the reflected light 150. *See* page 9, lines 4-21 of the Specification.

Further, claim 12 recites that the screen may comprise a plurality of markings to provide a location on the screen upon which reflective light is received. Again, this is also supported by the Specification, which, for example, describes that “the screen 150 may comprise various types of markings that may be used to adjust the position of the optical source 130 until the reflected light 150 is directed towards the decide markings on the screen 160...” See page 9, lines 12-16 of the Specification. Therefore, contrary to the Examiner’s assertion that claim 11 uses the term “screen” to mean a photoelectric converter, claims 11 and 12 merely assert that the light receiving unit may comprise a screen, which is thoroughly described, wherein, the light receiving unit and the screen are adequately described in the Specification. Further, the Specification also describes that the light receiving unit 660 may comprise a screen 160. See page 14, line 9 of the Specification. Therefore, the light reflecting unit is also described as comprising electric circuitry. Hence, claims 10, 11, and 12 call for the light receiving unit to include a circuit, and/or a screen, which is adequately supported by the Specification. Therefore, claims 11 and 12 are not indefinite and are properly supported by the term it uses their ordinary meaning and their discussions in the Specification.

The Examiner rejected claims 1-5, 8, 26 and 27 under 35 U.S.C. 102(b) as being anticipated by **Bachmann** (U.S. Patent No. 4,764,010). Applicant respectfully traverses this rejection.

The Examiner uses the non-analogous **Bachmann** prior art in an attempt to read upon claims of the present invention. Claims 1, 26 (as amended) and 27 call for sending an optical signal from a first apparatus to a second apparatus based upon an incident angle and receiving a reflection having reflected angle on the screen and then adjusting. Claims 1, 26 and 27 also call

for adjusting a position of one of the apparatus relative to the other by adjusting the incident angle based upon the reflection. The non-analogous subject matter of *Bachmann* does not anticipate all of the elements of these claims. The Examiner cites broad, column-long citations of *Bachmann* without providing specific element by element analysis and arguments to reject the claims. However, upon an evaluation of *Bachmann*, it is clear that *Bachmann* does not anticipate all of the elements of claims of the present invention.

*Bachmann* merely discloses brackets being aligned using a laser. A laser is mounted on the first bracket and directs a beam onto the reflector surface of a disc mounted on the second bracket. The reflected beam produces a dot of light on the perforated disc, which is arranged near the exit aperture of the light source. The second bracket is adjusted, wherein the dot of light is directed onto the aperture and then the two brackets are regarded as being aligned. *Bachmann* cites that the beam emitted by the light source coincides exactly with the axis of the first bracket and the axis of the beam is aligned with the first bracket. See column 2, lines 4-20 of *Bachmann*. *Bachmann* discloses that a partial deflection of the beam produces a weak image on the perforated disc 25. If the phase 32a is not at exactly a right angle to the incident beam, the column 33 is then adjusted so that the weak dot of light disappears in the apertures. See column 5, lines 8-13. *Bachmann* discloses that the merging light beam is only adjusted in the vertical plane. See column 5, lines 13-16. Therefore, it is apparent from a reading of *Bachmann* that *Bachmann* uses the disappearance of the weak image of the partially deflected beam to perform alignment. *Bachmann* does not disclose adjusting the position between the first and second devices based on the reflected light on the screen by adjusting the incident angle. In fact, *Bachmann* clearly does not disclose adjusting the incident angle at all. Therefore, clearly, *Bachmann* does not disclose adjusting the position of one of the apparatuses relative to the other

by adjusting any type of an incident angle based upon a reflection. **Bachmann** does not disclose any type of a measurement or analysis of the incident angle at all. Therefore, for at least the arguments provided above claims 1, 26 and 27 of the present invention are not taught, disclosed or suggested by **Bachmann**. Therefore, claims 1, 26 (as amended) and 27 of the present invention are allowable for at least the reasons cited above. Further, dependent claims 2-5 and 8, which depend from allowable claim 1, are also allowable for at least the reasons cited above.

Claims 10-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** (U.S. Patent No. 5,026,998). Applicant respectfully traverses this rejection.

Claim 10 calls for an optical source fixed to a first apparatus, wherein the optical source is capable of directing an incident light onto a second apparatus. The system also includes a light receiving unit to receive reflected light from the second apparatus, wherein the light receiving unit comprises a circuit to detect the position of the reflected light. The position of the reflected light is used to adjust the position of the first and second apparatuses.

**Bachmann** clearly does not disclose any type of a circuit to detect the position of the reflected light. The Examiner cites **Holzl** to make up for this deficit. However, **Holzl** merely discloses checking the coaxial alignment of tandem arranged shafts. **Holzl** is directed to measuring the inline or an offset state of the shaft. However, The Examiner cites the reference item 7 in Figure 1 to argue obviousness of the circuit to detect the position of the reflected light called for by claim 10. However, **Holzl** merely discloses proximate the first shaft 1, there is a measuring receiver 7 fixed in relation to the light source 5. See column 4, lines 19-22. **Holzl** also refers to item No. 7 of Figure 1 as “position detector 7” wherein the position detector 7

produces two signals  $S_x$ ,  $S_y$  which corresponds to the X and Y coordinate of the position A of the incidence of the light beam on the position detector 7. See column 4, lines 22-31. However, *Holzl* also discloses that  $S_x$ ,  $S_y$  correspond to electrical signals that is indicative of the size and the prefix sign of mutually perpendicular components  $S_x$ ,  $S_y$  of the distance of the respective point of incidence. See column 4, lines 51-56. Therefore, it would not be clear to those skilled in the art that the measuring receiver 7 actually generates electrical signals that is indicative of the position of the reflective light. *Holzl* does not describe a circuit that actually detects the position of the reflected light. The item 7 in Figure 1 merely illustrates a screen that receives a reflected light at a point of incidence A and wherein the screen has an  $S_y$  coordinate. However, there is no disclosure of a circuit. Therefore, combining *Holzl* to *Bachmann* does not make up for the deficit of *Bachmann* and claim 10 of the present invention is not made obvious.

Further, those skilled in the art would not combine the non-analogous art of *Bachmann* and *Holzl* without improper hindsight, in order to make obvious all of the elements of claims of the present invention. *Holzl* is directed to checking the coaxial alignment of tandem-arranged shafts. In contrast, *Bachmann* is directed to aligning a first bracket and a second bracket. It is improper hindsight reasoning to combine these non-analogous prior art references to argue obviousness of all of the elements of yet another non-analogous subject matter of claims of the present invention. There is no evidence of motivation within the cited prior art that would lead those skilled in the art to combine *Bachmann* and *Holzl* to read upon the element of claim 10 of the present invention. Further, claim 18 calls for the first apparatus to be a testing device, which again, is not disclosed by either *Bachmann*, *Holzl* or their combination. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of claims 10 and 18 of the present invention. Therefore, claims 10 and 18 of the present invention are allowable. Further,

independent claims 11, 12 and 13, which depend from claim 10 are also allowable for at least the reasons cited above.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Hölzl** as applied to claim 18 and further in view of **Stabile** (U.S. Patent No. 5,872,623). Applicant respectfully traverses this rejection.

Claim 19 calls for the testing device being either a photometer or a radiometer. The Examiner asserts **Stabile** make obvious the photometer and the radiometer of claim 19. The Examiner uses **Stabile** to make obvious the photometer and the radiometer by citing Figure 1B, reference 205. Figure 1B, reference 205 refers to a “planer substrate”. However, the object that the Examiner suggests is a photometer or a radiometer is actually a screening array. **Stabile** does not make obvious the photometer and the radiometer being a testing device, as called for by claim 19 of the present invention.

Additionally, all of the elements of the independent claim from which claim 19 indirectly depends are not disclosed by **Bachmann** or **Hölzl** as described above. Adding **Stabile** to this set of disclosures does not make up for the deficits of **Bachmann** and **Hölzl**. **Stabile** merely refers to measuring the amount of light emitted from a plurality of detection sites but does not call for the reflective light to provide for alignment, as called for by claim 19 of the present invention. Therefore, the combination of **Bachmann**, **Stabile** and **Hölzl** does not teach, disclose or suggest all of the elements of claim 19 of the present invention.

Additionally, those skilled without using improper hindsight, would not combine the disclosures of **Bachmann**, **Hölzl** and **Stabile** since they are directed to substantially different

subject matters. **Bachmann** is directed to aligning a first bracket and a second bracket, whereas, **Hölzl** is directed to checking the coaxial alignment of tandem arranged shafts. **Stabile** is directed to measuring the amount of light emitted from a plurality of detection sites. Therefore, without using improper hindsight reasoning, there is no indication of evidence or arguments to support the assertion that those skilled in the art would combine **Bachmann**, **Hölzl** and **Stabile** to read upon all of the elements of claim 19 of the present invention. However, as described above, even if **Bachmann**, **Hölzl** and **Stabile** were to be combined, all of the elements of claim 19 would not be taught, disclosed or suggested. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 19 of the present invention. Accordingly, claim 19 is allowable for at least the reasons cited herein.

Claims 20, 21, 38-41, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Hölzl** and **Dankliker** (U.S. Patent No. 4,225,241). Applicant respectfully traverses this rejection.

Claims 20 refers to the second apparatus being a computer display device and claim 21 relates to the computer display device being an LCD screen. Further claim 38 refers to the second apparatus being a television display and claims 39 and 44 relate to the computer display device being LCD screens. Further claim 40 relates to testing unit and a computer display. Claim 45 provides for the computer display having a reflective material affixed.

The Examiner adds the disclosure of **Dankliker**, which refers to an LCD. **Dankliker** refers to a collimated light beam being passed through transparent texture marking and adjusting the relative position of the planer transparent objects. However, neither **Bachmann** nor

**Dankliker** calls for the alignment of an apparatus based upon the reflected light, as called for by claims 20, 21, 38-41, 44 and 45.

Further, **Dankliker** and **Bachmann** are directed to diverse subject matter and those skilled in the art would not find motivation in the prior art to combine them without using improper hindsight to make obvious all the elements of claims 20, 21, 38-41, 44 and 45. However, even when combined as described above, all of the elements of claims 20, 21, 38-41, 44 and 45 would not be taught, disclosed or make obvious. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claims 20, 21, 38-41, 44 and 45 of the present invention. Accordingly, claims 20, 21, 38-41, 44 and 45 are allowable for at least the reasons cited herein.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Snyder** (U.S. Patent No. 4,480,912). Applicant respectfully traverses this rejection.

The Examiner cites **Snyder** to make obvious a screen with a plurality of marks on the screen. Applicant respectfully disagrees that **Bachmann** shows means for adjusting a position of an apparatus relative to another apparatus by adjusting the incident angle based upon the reflection as described above. Further, **Snyder** does not disclose a plurality of markings on the screen. The Examiner is unable to point to any text-citations or drawings in **Snyder** to support this contention. **Snyder** merely discloses that a piece of graph paper 110 may be secured in front of the screen. However, the screen of **Snyder** does not include any markings, in contrast for by claim 28 of the present invention. Therefore, the combination of **Snyder** and **Bachmann** does not disclose all of the elements of claim 28 of the present invention.



Further, claims 29 and 30, which depend from claim 27, are also not taught, disclosed or suggested by **Bachmann** for the reasons cited above and **Snyder** does not make up for this deficit; nor does the Examiner argue that **Snyder** makes up for this deficit. Therefore, the combination of **Bachmann** and **Snyder** does not teach, disclose or suggest all of the elements of claims 28, 29 and 30 of the present invention. Accordingly, claims 28, 29 and 30 of the present invention are allowable.

Further, the **Bachmann** is directed to aligning a first bracket and a second bracket, wherein **Snyder** is directed to aligning a first transducer to a second transducer using a laser. This non-analogous art would not be combined by those skilled in the art to read upon the elements of claims of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claims 28, 29 and 30 of the present invention. Accordingly, claims 28, 29 and 30 are allowable for at least the reasons cited herein.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Stabile**. Applicant respectfully traverses this rejection.

Claim 36 relates to the first device being either a photometer or a radiometer. As described above, adding **Stabile** to read upon the testing device and the testing device being either a photometer or a radiometer, is a misapplication of the prior art. As described above, **Bachmann** and **Spink** do not teach all of the elements of the underlying independent claim (claim 27) from which claim 36 depend. There is no disclosure in **Bachmann**, **Spink**, or their combination that relates to adjusting an apparatus based upon the reflective light and its angle.

In fact, as described above, **Stabile** does not disclose a photometer or radiometer; it merely discloses a screening array. Therefore, even when combined, **Bachmann**, and **Stabile** do not disclose all of the elements of claim 36 of the present invention. Further, as described above, those skilled in the art would not combine **Bachmann** and **Stabile** to make obvious all of the elements of claim 36 of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 36 of the present invention. Accordingly, claim 36 is allowable for at least the reasons cited herein.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** and **Dankliker** and **Snyder**. Applicant respectfully traverses this rejection.

Claim 42 calls for the screen to comprise a plurality of marking to provide a location on the screen upon which the reflective light is received. The Examiner cites **Snyder** to make obvious a screen with a plurality of marks on the screen. Applicant respectfully disagrees that **Bachmann** shows means for adjusting a position of an apparatus relative to another apparatus by adjusting the incident angle based upon the reflection as described above. Further, **Snyder** does not disclose a plurality of markings on the screen. The Examiner is unable to point to any text-citations or drawings in **Snyder** to support this contention. **Snyder** merely discloses that a piece of graph paper 110 may be secured in front of the screen. However, the screen of **Snyder** does not include any markings, in contrast for by claim 42 of the present invention. Therefore, the combination of **Snyder** and **Bachmann** does not disclose all of the elements of claim 28 of the present invention.

Further, it is not clear why the Examiner added the disclosure of **Holzl** and **Dändliker** to this argument since the Examiner did not argue the disclosure of **Holzl** and **Dändliker** to reject

claim 42 of the present invention. **Holzl** and **Dändliker** also do not disclose a plurality of marking to provide a location on the screen upon which the reflective light is received. Applicant asserts that those skilled in the art would not combine these prior art disclosures to make obvious all of the elements of claim 42 of the present invention. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 42 of the present invention. Accordingly, claim 42 is allowable for at least the reasons cited herein.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bachmann** in view of **Holzl** and **Dankliker** and **Stabile**. Applicant respectfully traverses this rejection.

Claim 43 calls for the testing unit being a photometer and/or a radiometer. The Examiner cited **Bachmann**, **Holzl**, **Dändliker** and **Stabile** and then discusses **Walker** in the argument. Examiner uses **Stabile** to make obvious the photometer and the radiometer by citing Figure 1B, reference 205. Figure 1B, reference 205 refers to a “planer substrate”. However, the object that the Examiner suggests is a photometer or a radiometer is actually a screening array. **Stabile** does not make obvious the photometer and the radiometer being a testing device, as called for by claim 43 of the present invention.

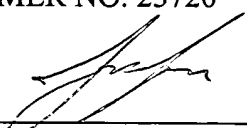
Additionally, all of the elements of the independent claim from which claim 43 indirectly depends are not disclosed by **Bachmann** or **Hölzl** as described above. Adding **Stabile** to this set of disclosures does not make up for the deficits of **Bachmann** and **Hölzl**. **Stabile** merely refers to measuring the amount of light emitted from a plurality of detection sites but does not call for the reflective light to provide for alignment, as called for by claim 43 of the present invention. Therefore, the combination of **Bachmann**, **Stabile** and **Hölzl** does not teach, disclose or suggest all of the elements of claim 43 of the present invention.

Further, as described above, those skilled in the art would not be motivated to combine *Bachmann, Hölzl, Dankliker* and *Stabile*, which all contain diverse subject matter. Therefore, it would be improper hindsight reasoning to combine them to make obvious all of the elements of claim 43. However, even if these prior art disclosures were combined, as described above, all of the elements of claim 43 would not be taught, disclosed or suggested. Therefore, the Examiner failed in providing a *prima facie* establishment of obviousness of claim 43 of the present invention. Accordingly, claim 43 is allowable for at least the reasons cited herein.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicants respectfully assert that claims 1-5, 8, 10-13, 18-21, 22, 23, 26, 27-30 and 35-45 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

<p>Date: <u>September 8, 2006</u></p>	<p>Respectfully submitted,</p> <p>WILLIAMS, MORGAN &amp; AMERSON, P.C. CUSTOMER NO. 23720</p> <p>By: </p> <p>Jaison C. John, Reg. 50,737 10333 Richmond, Suite 1100 Houston, Texas 77042 (713) 934-4069 (713) 934-7011 (facsimile) ATTORNEY FOR APPLICANT(S)</p>
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